

R307-302-3

2. Title: No-Burn Periods for Fine Particulate.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

On September 21, 2006, the Environmental Protection Agency (EPA) promulgated revisions to the National Ambient Air Quality Standards (NAAQS) for PM_{2.5}. At that time, EPA strengthened the 24-hour PM_{2.5} standard from the 1997 level of 65 micrograms per cubic meter to 35 micrograms per cubic meter. Because of this new standard, the trigger for calling a mandatory no-burn period is above the current NAAQS. Therefore, this proposal updates the rule to reflect the new NAAQS. Rather than specifying a specific PM_{2.5} concentration, the revised rule will trigger a no-burn period when Utah Division of Air Quality forecasts an exceedance of the NAAQS.

6. Summary of the rule change:

R307-302-3 establishes a trigger to call a mandatory no-burn period for residential solid fuel burning devices and fireplaces. This rule applies in all of Salt Lake and Davis Counties, and in portions of Utah and Weber Counties. Under the current version of R307-302-3, a mandatory no-burn period is triggered when the ambient concentration of PM_{2.5} measured by the monitors in Salt Lake, Davis, Weber, or Utah Counties reaches the level of 52 micrograms per cubic meter, which is 80% of the 1997 PM_{2.5} National Ambient Air Quality Standards (NAAQS). On September 21, 2006, EPA promulgated revisions to the NAAQS for PM_{2.5}, wherein the 24-hour PM_{2.5} standard was lowered from 65 micrograms per cubic meter to 35 micrograms per cubic meter. Because of this new standard, the trigger for calling a mandatory no-burn period contained in R307-302-3 is above the current NAAQS. Therefore, the Utah Air Quality Board is proposing to update the rule to be consistent with the new NAAQS. The Board is proposing that the revised rule language will trigger a no-burn period when UDAQ forecasts an exceedance of the NAAQS, rather than specifying a specific PM_{2.5} concentration. The Air Monitoring Center has used the new PM_{2.5} NAAQS to call the no-burn period since 2006, resulting in approximately 10 more no-burn days per season than in previous winters. The proposed change will not result in any more no-burn days, but it will allow UDAQ to enforce all of the mandatory no-burn days. However, Utah Division of Air Quality did not enforce the no-burn period until the ambient PM_{2.5} levels were above 52 micrograms per cubic meter, because the rule had not been changed to reflect the lowered standard. The proposed change will not result in any more no-burn days, but it will allow Utah Division of Air Quality to enforce all of the mandatory no-burn days.

7. Aggregate anticipated cost or savings to:

a. State budget: No change in cost because existing staff will perform smoke patrol duties.

b. Local government: No change in costs because only residences are affected.

c. To Small Businesses and Other Persons:

Small Businesses: No change in costs because only residences are affected. Other Persons: We do not know how many residences in the four counties are heated with wood to save money. Therefore, it is not possible to determine the total cost. Individual costs are outlined under "compliance costs for affected persons."

8. Compliance costs for affected persons:

This rule applies in all of Salt Lake and Davis Counties, and in portions of Utah and Weber Counties to residences for which a fireplace or stove is NOT the sole source of heating. In addition, wood stoves installed in the last 20 years are required to be Environmental Protection Agency (EPA)-certified, and can be used with no visible emissions; when they are properly operated, they would not be subject to the ban. Fireplaces are primarily used for recreational purposes or atmosphere rather than home heating so curtailment is not anticipated to create additional costs for home heating. Wood stoves, however, generally supplement other heating devices; curtailing their use may cause increased costs for other heat sources. The maximum cost would be incurred by a resident who is able to obtain wood free and in no-burn periods must switch to another fuel source. The cost for natural gas could be as much as \$6 per day for a home that could otherwise reasonably be heated with wood. If there were as many as 10 no-burn days in a winter season, the annual cost increase could be \$60.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

This rule affects only residential fireplaces and stoves; there is no cost to businesses (Richard W. Sprott, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104

11. Materials incorporated by reference?

12. Public comment and hearing info:

13. May become effective on: July 3, 2008

14. Keywords: air pollution, woodburning, fireplaces, stoves